II.   Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-149 are pending in the application. Claims 1, 23, 45, 53, 63, 77, 84, 89, 91, 105, 110, 115, 117, 122, 127, 133, 139, and 145 are independent.

Applicant gratefully acknowledges that Claims 105-115 are allowed (as confirmed in a teleconf with the Examiner), and that Claims 10, 16, 22, 32, 38, 44, 52, 62, 71, 76, 88, 99, and 104 are indicated as containing allowable subject matter.

Applicant has added new Claims 117-149 to afford himself a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and Drawings, and are believed to be allowable for the reasons to be developed below.

In the Official Action, the Examiner has rejected claims 1 to 9, 11 to 15, 17 to 21, 23 to 31, 33 to 73, 45 to 51, 53 to 61, 72 to 75, 77 to 87, 89 to 98 and 100 to 103 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 5,581,243 to Ouellette et al. ("Ouellette"). The Examiner is alleging that the Applicant's invention as defined by these claims is clearly disclosed by Ouellette. Claims 1 to 149 are, howeve,r believed to distinguish patentably over the prior art. The Examiner's rejection in view of the cited reference is believed to be inappropriate for the reasons set forth below.

In one aspect of the Applicant's invention as defined by independent claim 1, Applicant provides a computing device running on a multitasking operating platform including an active application having input focus and a user input keyboard application. The computing device comprises a touch sensitive panel, a user input keyboard window displayed on the touch sensitive panel and an active application window displayed on the touch sensitive panel. *User input generated in response to user contact within the keyboard window is forwarded to the active application without input focus shifting to the keyboard window.*

For background, in a typical Windows®-based environment, when an event is generated in response to contact within a displayed window, the contacted window is given input focus and becomes active. Prior to the Applicant's invention, using an on-screen keyboard to provide output to an active application in this environment was impractical. When the keyboard window was contacted, input focus would shift to the keyboard window requiring input focus to be shifted back to the active application. Handing back of input focus from the keyboard application to the active application each time the on-screen keyboard was contacted caused ugly flickering and weird side effects in certain applications programs.

Ouellette discloses a method and apparatus for displaying a simulated keyboard on a touch sensitive display. The keyboard is superimposed on the touch sensitive display but does not occlude from view, image output of an application being run on the computer. This is achieved by causing the display to, generate and refresh in alternation and repeatedly, the application image and the simulated keyboard image. The application image is displayed at a different luminous radiation intensity level than the simulated keyboard image.

Figure 11 of Ouellette shows a SPECIAL-ACTIVE routine that is invoked whenever a toggle full button is pressed. When invoked the SPECIAL-ACTIVE routine determines whether or not to display the keyboard on the screen. When the keyboard is to be displayed, the keyboard is displayed in the bottom half of the screen. The SPECIAL-ACTIVE routine then checks to determine if the keyboard is active. If the keyboard is active, a refresh display routine is called that controls painting of the screen so that the keyboard appears in phantom.

During executing of the refresh display routine, the refresh display routine follows either a right or left branch. If the keyboard is not active, the left branch is followed. During this branch, the display output from the application program is painted on the screen. As a result, the keyboard application is not displayed. If the right branch is followed, the display output from the application program and the phantom keyboard are painted on the screen.

As will be appreciated, the function of the SPECIAL-ACTIVE routine is to ensure the computer only presents the display output of the active application program on the screen if the keyboard is not active and presents the display output of the active application program together with the phantom keyboard on the screen if the keyboard is active. The SPECIAL-ACTIVE routing has nothing to do with controlling the output of the keyboard application so that input focus does not shift to the keyboard when the keyboard is touched. Rather, this routine simply ensures the keyboard is visible on the screen in phantom when it is active (i.e. it has been turned on in response to a user actuating the toggle full screen button).

Ouellette does not teach or suggest inhibiting a keyboard application from gaining input focus when a user contacts the touch sensitive panel within the keyboard window as alleged by the Examiner. Although Ouellette states that the simulated keyboard can be used to enter data or commands for running commercially-available standard software packages such as data processing, spreadsheet and database management programs, Ouellette does not speak of the input focus shifting problem solved by the Applicant's invention and does not teach or suggest a

solution to the problem. The Examiner's statement that Oulelette discloses inhibiting a shift in input focus is without merit and is clearly an expansion of the teachings of Ouellette based on hindsight. This is a forbidden ex post analysis contrary to well established law. Accordingly, Applicant respectfully submits that independent claim 1 distinguishes patentably over the cited reference and should be allowed. As claims 2 to 22 are dependent either directly or indirectly on independent claim 1, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed.

According to another aspect of the Applicant's invention as defined by independent claim 23, Applicant provides a computing device running on a multitasking operating platform including an active application having input focus and a user input keyboard application. The computing device comprises a touch sensitive panel, a user input keyboard window displayed on the touch sensitive panel and an active application window displayed on the touch sensitive panel. *User input generated in response to user contact within the keyboard window is forwarded to the active application with the active application retaining input focus during generating and receiving of the user input.*

As mentioned above, the cited prior art reference does not address the input focus shifting problem solved by the Applicant's invention nor does it teach or suggest a solution to the problem. Accordingly, Applicant respectfully submits that independent claim 23 distinguishes patentably over the cited references and should be allowed. As claims 24 to 44 are dependent either directly or indirectly on independent claim 23, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed.

According to another aspect of the Applicant's invention as defined by independent claim 45, Applicant provides in a computing device having a touch sensitive panel on which an on-screen keyboard is displayed within a window, and running on a multitasking operating platform, a method of managing data input. During the method, user contact on the touch sensitive panel is detected. Data generated in response to contact on the touch sensitive panel outside of the on-screen keyboard window is forwarded to the computing device for processing. Data generated in response to contact on the touch sensitive panel within the on-screen window is forwarded to an active application and *a shift in input focus from the active application to the on-screen keyboard is inhibited.*

Applicant respectfully submits that this claim distinguishes patentably over the cited references for the same reasons set forth above. As claims 46 to 52 are dependent either

directly or indirectly on independent claim 45, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed.
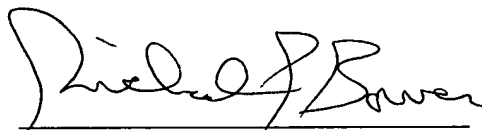
Independent claims 53, 63, 77, 84, 89, 91, 105, 110 and 115 are also believed to distinguish patentably over the cited reference for the same reasons set forth above. As claims 54 to 62, 64 to 76, 78 to 83, 85 to 88, 90 and 92 to 104 are dependent either directly or indirectly on the above independent claims, which are deemed allowable, Applicant respectfully submits that these claims should also be allowed.

New independent claims 117, 122, 127, 133, 139 and 145 include the subject of the allowable claims. Accordingly, Applicant respectfully submits that claims 117 to 149 should be allowed.

In view of the above, Applicant respectfully submits that the present application is in order for allowance and action to that end is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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